

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 20, 2003 (Paper No. 7). Claims 1 to 20 are in the application, with Claims 1 and 10 being the independent claims. Reconsideration and further examination are respectfully requested.

Claims 10 to 20 have been withdrawn from consideration pursuant to a telephonic restriction requirement. In this regard, Applicants affirm their provisional election to prosecute the Group I claims (Claims 1 to 9). The restriction requirement is, however, traversed.

Traversal is on the ground that there would not be undue burden in examining the two groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent or distinct inventions, the reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be an undue burden in examining the claims of Groups I and II in a single application, since the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination. Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicants thank the Examiner for the indication that Claims 7 to 9 contain allowable subject matter. These claims have not been rewritten in independent form, since it is believed that independent Claim 1 is also in condition for allowance, as detailed more fully below.

Claims 1 to 3, 5 and 6 were rejected under 35 U.S.C. § 102(b) over JP 11-189498 (Masatomo). Reconsideration and withdrawal of the rejection are respectfully requested in view of the following comments.

The present invention, as recited by amended Claim 1, concerns a liquid phase growth method which includes a step of immersing a substrate in a crucible that stores a solvent having a growth material dissolved therein; and a step of flowing a medium through a medium flow path provided in the solvent, without flowing the medium up through the solvent, to cool the solvent from an interior thereof.

Thus, according to one feature of the invention recited by the claims under consideration, a medium is flowed through a medium flow path provided in the solvent, without blowing the medium up through the solvent, to cool the solvent from an interior thereof.

Masatomo is not seen to teach or suggest at least this feature.

Masatomo describes blowing NH_3 gas up through a Ga melt to react the NH_3 gas with the Ga in the melt to form GaN microcrystals. For example, as shown in Fig. 1 of Masatomo, NH_3 gas is blown up through a Ga melt (3) held in a crucible (1).

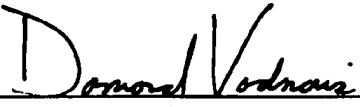
This can be contrasted to the embodiment shown in Fig. 1A of the present invention, in which an atmospheric gas is flowed through a vent hole (3), without blowing the gas up through the solution (4), to cool the solution (4) from an interior thereof.

In view of the foregoing, Applicants conclude that Masatomo does not teach or suggest the claimed invention, and it is therefore respectfully requested that the Section 102 rejection be withdrawn.

No other matters being raised, the entire application is believed to be fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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